



PLANNING COMMISSION

AGENDA REPORT

VI. 2

MEETING DATE: JUNE 23, 2008

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-08-03
231 FLOWER STREET

DATE: JUNE 12, 2008

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611

DESCRIPTION

The applicant is proposing to construct a two-story single family residence. This item was continued from the April 14, 2008, and April 28, 2008 Planning Commission meetings at the request of the applicant to address concerns about the design of the proposed residence.

APPLICANT

The applicant is Bert Tarayo, representing Daniel and Jani Judge, who are the owners of the property.

RECOMMENDATION

Approve the project as modified by adoption of the attached resolution, subject to conditions of approval.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

The property is located on the City's east side and is mid-block on Flower Street between Orange Avenue and Westminster Avenue. The property contains a one-story single family residence and detached garage, the majority of which will be demolished to accommodate the proposed residence, a two-story, four-bedroom residence and attached three-car garage.

The applicant initially requested the following approvals:

- Variances from building height (27 feet allowed; 29 feet, 10 inches proposed) and chimney height (29 feet allowed; 33 feet proposed);
- Administrative adjustment for the left side yard setback (5 feet allowed; 3 feet proposed);
- Minor conditional use permit for excess garage area (700 square feet maximum allowed; 843 square feet proposed);
- Minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio (80% allowed; 82% proposed) and average second floor side setback on the left side (east) elevation (10-foot average setback allowed; 7.6 feet proposed).

Staff recommended denial of the variances from building and chimney height; as a result, the other entitlements requested for the project could not be supported by staff. The applicant requested that the hearing be continued to the meeting of June 23, 2008, to revise the plans.

ANALYSIS

The applicant has revised the plans to reflect the following:

- To eliminate the variances from building and chimney height;
- Redesigned the second floor to comply with the 80% second floor to first floor ratio recommended by the City's Residential Design Guidelines;
- Increased the average second floor side setback on the left (east side) elevation from 7.6 feet to 8.6 feet.

The revisions are summarized in the table below:

	Original Proposal	Revised Proposal	Complies With Code?
Building Height	29 feet, 10 inches	27 feet, 0 inches	Yes
Chimney Height	33 feet, 0 inches	29 feet, 0 inches	Yes
Left Side Setback	3 feet, 0 inches	3 feet, 0 inches (No Change)	Yes (see discussion)
Garage Size	843 square feet	843 square feet (No Change)	Yes (1)
2 nd Floor to 1 st Floor Ratio	82.5%	80%	Yes (2)
Average 2 nd Floor Side Setback	7.6 feet average	8.6 feet average	No (2)

(1) If approved by minor conditional use permit

(2) Residential Design Guideline

With regard to the two-foot exterior stairway encroachment into the side yard setback, staff notes that Code does allow open, unenclosed stairways to encroach a maximum of 2.5 feet into the required 5-foot side yard setback without the approval of an administrative adjustment; therefore this part of the application is not necessary. However, as noted in the prior staff report, staff is concerned with the proposed exterior stairway access to the second floor in this location due to the potential of a future property owner to convert the connecting office/guestroom into an apartment unit. Because an interior stairway is already proposed, staff recommends that the exterior stair be eliminated if the project is approved. If the Commission chooses to approve the project with the exterior stairway, staff recommends the recordation of a land use restriction stating that the office/guestroom cannot be modified to accommodate a second unit without City approval.

Also as noted in the prior staff report, staff does not have a concern with the applicant's request for a minor conditional use permit to allow an 843 square-foot garage because it is integrated into the overall residence and the design is consistent with the parking of vehicles and other residential garage uses. With regard to the average second floor side setback, the elevations incorporate variation in depth of floor plans, rooflines, multiple building planes, and offsets to provide architectural interest and visual relief from off site.

GENERAL PLAN CONFORMITY

The property has a general plan designation of Low Density Residential. Under the general plan designation one unit is allowed on the site and one unit is proposed. As a result, the use and density conforms to the City's General Plan.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project as revised with the recommended conditions of approval; or
2. Deny the project. If the project is denied, the residence cannot be built as proposed. The applicant could not submit substantially the same type of project for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction.

CONCLUSION

It is staff's opinion that the project, as revised, is consistent with other previously approved two-story residences in the immediate area. Therefore, staff recommends approval of the project.

Attachments: Draft Planning Commission Approval Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Draft Planning Commission Denial Resolution
 Exhibit "A" - Draft Findings
 Applicant's Revised Project Description and Justification
 April 14, 2008 Planning Staff Report
 Correspondence Received From Public
 Zoning Map/Location Map
 Original Plans
 Revised Plans

cc: Deputy City Manager - Dev. Svs. Director
 Deputy City Attorney
 Assistant City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Bert W. Tarayao, AIA
89 Pelican Court
Newport Beach, CA 92660

Daniel and Jani Judge
220 E. 19th Street
Costa Mesa, CA 92627

File: 062308PA0803

Date: 061208

Time: 8:30 a.m.

RESOLUTION NO. PC-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-08-03**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Bert Tarayo, representing Daniel and Jani Judge, owners of the real property located at 231 Flower Street, requesting approval of a minor conditional use permit for excess garage area and a minor design review to deviate from the City's Residential Design Guidelines for recommended average second floor side setback, to construct a two-story, single-family residence; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 14, 2008, and April 28, 2008, and continued to the meeting of June 23, 2008, to allow the project to be redesigned.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** PA-08-03 as revised, with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-08-03 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 23rd day of June, 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS (APPROVAL)**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The project, as revised, is compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - The project complies with applicable performance standards prescribed in the Zoning Code.
 - The project is consistent with the General Plan.
 - The cumulative effect of all of the planning applications have been considered.
- B. The information presented complies with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, is compatible and harmonious with existing and/or anticipated development on surrounding properties. The design of the second story is generally consistent with the purpose and intent of the City's Residential Design Guidelines.
- C. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the minor conditional use permit will not allow a use, density or intensity that is not in accordance with the general plan designation for the property. Specifically, the size of the garage is integrated into the overall residence and the design is consistent with the parking of vehicles and other garage uses.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- E. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL (If Project is Approved)**

- Plng. 1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
2. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
3. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 36 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
4. The conditions of approval and ordinance or code provisions of Planning Application PA-08-03 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
5. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, additional second story windows, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
6. Exterior stairway access to the second floor shall be eliminated.
7. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
- Eng. 8. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-08-03**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Bert Tarayo, representing Daniel and Jani Judge, owners of the real property located at 231 Flower Street, requesting approval of a minor conditional use permit for excess garage area and a minor design review to deviate from the City's Residential Design Guidelines for recommended average second floor side setback, to construct a 2-story, single-family residence; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 14, 2008, and April 28, 2008, and continued to the meeting of June 23, 2008, to allow the project to be redesigned.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A, the Planning Commission hereby **DENIES** Planning Application PA-08-03 with respect to the property described above.

PASSED AND ADOPTED this 23rd day of June, 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS (DENIAL)**

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed development is not compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - The proposed project does not comply with applicable performance standards prescribed in the Zoning Code.
 - The project is not consistent with the General Plan.
 - The cumulative effect of all of the planning applications have been considered.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, is not compatible and harmonious with existing and/or anticipated development on surrounding properties.
- C. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is not compatible with developments in the same general area. Granting the minor conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the minor conditional use permit will allow a use, density or intensity that is not in accordance with the general plan designation for the property.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- E. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

REVISED PROJECT DESCRIPTION

May 21, 2008

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

MAY 23 2008

Judge Residence Remodel & Addition
231 Flower Street
Costa Mesa, CA

The proposed Judge remodel and addition will be built on a 10,116 sq ft lot in the two hundred block of Flower Street. There are 21 homes on the street, 8 of which are two stories. The Judge home will extend that number to 9 two-story homes.

We are asking for consideration and approval of the following items:

Minor Conditional Use Permit

1. An 843 sq ft garage in lieu of the maximum 700 sq ft as stipulated in the Residential Off-street Parking Standards. Approval of this request will allow the required (3) parking spaces to be enclosed. Mr. Judge is a contractor who has a pickup truck, which is normally loaded with typical construction "stuff". Approval of this request will allow this "stuff" to be hidden from public view thereby presenting a neater neighborhood.

Administrative Adjustment

2. Approval for the side open stairway to be built on the location of the existing garage side setback of 3'-0". Table 13-32 of the Costa Mesa Municipal Code allows open stairways to project into the required setback 2'-6". The required setback for this property is 5'-0". Since the proposed setback is 6'-8" it leaves a clear dimension of 3'-8" to the property line as compared to the 2'-6" allowed by Table 13-32.

Minor Design Review

3. Section 5.1 of the Residential Guidelines requires an average second-story side setback of 10'-0", "but shall be no closer than 5'-0". We have an average of 8'-6" on the east property line and a minimum of 5'-0". The home on the adjacent property is a single story building. A portion of one bedroom window (Bedroom 2) overlooks the neighbor's window. The distance between these two windows is 10'-6". A second bedroom window (Bedroom 1) overlooks the neighbor's sliding door. The distance between these is 35'-2". The west average second-story side setback is 30'-11"

The first floor average setback at the east property line is 9'-7". Table 13-32 requires a 5'-0" minimum setback.

With the exception of the three minor requested items above we meet or exceed the requirements of the Zoning Code and the Residential Guidelines.

After reviewing our design we believe one can conclude that the proposed design meets the spirit of the design guidelines through thoughtful articulation, massing, appropriate building materials, finishes and detailing.

APRIL 14, 2008 PLANNING STAFF REPORT



PLANNING COMMISSION AGENDA REPORT

VII. 5

MEETING DATE: APRIL 14, 2008

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-08-03
231 FLOWER STREET**

DATE: APRIL 3, 2008

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611**

DESCRIPTION

The applicant is requesting approval of variances from building and chimney height, an administrative adjustment to deviate from required side yard setback, and a minor conditional use permit for excess garage area, for a two-story single family residence, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio and average second floor side setback.

APPLICANT

The applicant is Bert Tarayo, representing Daniel and Jani Judge, who are the owners of the property.

RECOMMENDATION

Deny by adoption of the attached resolution.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 231 Flower Street Application: PA-08-03
 Request: Variances from building and chimney height, an administrative adjustment to deviate from required side yard setback, and a minor conditional use permit for excess garage area, for a two-story single family residence, with a minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio and average second floor side setback.

SUBJECT PROPERTY:

Zone: R1
 General Plan: Low Density Residential
 Lot Dimensions: 81 FT X 125 FT
 Lot Area: 10,116 SF
 Existing Development: 1-story residence and detached garage

SURROUNDING PROPERTY:

North: Surrounding properties
 South: are zoned R1 single-family
 East: residential and contain
 West: residential uses

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	50 FT	81 FT
Lot Area	6,000 SF	10,116 SF
Density:		
Zone	1 du/6,000 SF	1 du/10,116 SF
General Plan	1 du/5,445 SF	1 du/10,116 SF
Building Coverage:		
Buildings	NA	3,514 SF (35%)
Paving	NA	366 SF (4%)
Open Space	4,046 SF (40%)	6,236 SF (61%)
TOTAL		10,116 SF (100%)
Building Height:	2 Stories / 27 FT	2 Stories / 29 FT, 10 IN (1)
Chimney Height	29 FT	33 FT (1)
First Floor Area Including Garage, But Not Including Covered Outdoor Areas	NA	3,514 SF
Second Floor Area, Including Deck	NA	2,902 SF
2nd Floor% of 1st Floor (2)	80%	82.5% (3)
Rear Yard Lot Coverage	NA	NA
Setbacks:		
Front	20 FT	20 FT
Side (1st floor left/right)	5 FT/ 5/FT	3 FT (4)/10 FT
Side (2nd floor left/right)	10 FT Avg. (2)	7.6 FT Avg. (3)/14 FT
Rear	10 FT	10 FT
Parking:		
Covered	2	3
Open	1	0
TOTAL	3 Spaces	3 Spaces
(1) Does not comply with code – variance requested		
(2) Residential Design Guideline		
(3) Does not comply with Residential Design Guideline		
(4) Does not comply with code – administrative adjustment requested		
CEQA Status	Exempt, Class 3	
Final Action	Planning Commission	

BACKGROUND

The site contains a one-story single family residence and detached garage, the majority of which will be demolished to accommodate the proposed project.

ANALYSIS

The applicant is proposing to construct a two-story, 4-bedroom residence and attached 3-car garage. The applicant is requesting approval of the following for the project:

- Variances from building height (27 feet allowed; 29 feet, 10 inches proposed) and chimney height (29 feet allowed; 33 feet proposed);
- Administrative adjustment for the left side yard setback (5 feet allowed; 3 feet proposed);
- Minor conditional use permit for excess garage area (700 square feet maximum allowed; 842 square feet proposed);
- Minor design review to deviate from the City's Residential Design Guidelines for recommended second floor to first floor ratio (80% allowed; 82% proposed) and average second floor side setback on the left side (east) elevation (10-foot average setback allowed; 7.6 feet proposed).

Variances

Code Section 13-29(g)(1) allows granting a variance where special circumstances applicable to the property exist, such as an unusual lot size, lot shape, topography, or similar features, and where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity under an identical zoning classification. Other factors (such as existing site improvements) may also be considered.

It is staff's opinion that there is no basis for approval of the requested variances because the lot is rectangular and flat, and exceeds the minimum lot size and lot width required by code for the R1 zone (6,000 square foot minimum lot size required; 10,116 square foot lot size provided; 50 feet minimum lot width required; 81 foot lot width provided).

Additionally, strict application of the zoning ordinance would not deprive the property owner of privileges enjoyed by owners of other properties in the vicinity because the proposed height would exceed most of the existing two-story residences on the same street¹, as shown in the map exhibit attached to this report and summarized in the table below.

Address	Overall Building Height (Approximate)	Year Built
205 Flower Street	24 Feet, 7 Inches	1984
220 Flower Street	27 Feet, 0 Inches	2006
230 Flower Street	25 Feet, 0 Inches	1984
	Building and Chimney	
231 Flower Street	29 Feet, 10 Inches (Building)	NA

¹ 200 Flower Street, 212 Flower Street, and 217 Flower Street also contain two-story structures; however, staff could not verify the height of these structures from City records.

(Subject Property)	33 Feet, 0 Inches (Chimney)	
240 Flower Street	24 Feet, 0 Inches (Building) 27 Feet, 0 Inches (Chimney)	1999
243 Flower Street	23 Feet, 0 Inches	1999
246 Flower Street	24 Feet, 6 Inches	2005

Based on this information, staff is not in support of the requested variances.

Administrative Adjustment

The applicant is requesting approval of an administrative adjustment to retain the existing 3-foot side setback of the existing detached garage to accommodate an exterior stair leading to the second floor office/guestroom. It is staff's opinion that there is no basis for approval of the administrative adjustment because the existing 3-foot setback is for a one-story detached garage. The proposed one-and two-story structure over the proposed garage, with a reduced 3-foot setback, increases the bulk and massing impacts on the abutting property. Also, as indicated earlier, because the lot width exceeds the code minimum (50 foot lot width required; 80 foot lot width existing), the structure can be redesigned to comply with the required setback per code. As a result, staff is not in support of the administrative adjustment.

Additionally, staff is concerned with the proposed exterior stairway access to the second floor in this location due to the potential of a future property owner to convert the office/guestroom into an apartment unit. Because an interior stairway is already proposed, staff recommends that the exterior stair be eliminated if the project is approved. If the Commission chooses to approve the project with the exterior stairway, staff recommends the recordation of a land use restriction stating that the office/guestroom cannot be modified to accommodate a second unit without City approval.

Minor Conditional Use Permit

The applicant is proposing an attached 3-car garage and workshop that exceeds the 700 square foot maximum allowed under Code (842 square feet is proposed). As a result, the applicant is requesting approval of minor conditional use permit.

Staff does not have a concern with the size of the garage and workshop because it is integrated into the overall residence and the design is consistent with the parking of vehicles and other residential garage uses. However, even though staff does not have a concern with the larger garage as proposed, staff cannot support the minor conditional use permit based on the variances and administrative adjustment as discussed earlier in this report.

Minor Design Review

To minimize second story mass, the City's Residential Design Guidelines recommend the second floor not exceed 80% of the first floor area and the second story be set back an average of 10 feet from the (interior) side property line. The proposed second floor to first floor ratio is 82% and the second floor interior side elevation has a 7.6-foot average side setback on the left side (east) elevation. It is staff's opinion that the elevations

incorporate variation in depth of floor plans, rooflines, multiple building planes, and offsets to provide architectural interest and visual relief from off-site. However, because the project does not comply with the building and chimney height and side yard setback as discussed earlier in this report, staff cannot support the minor design review.

GENERAL PLAN CONFORMITY

The property has a general plan designation of Low Density Residential. Under the general plan designation one unit is allowed on the site and one unit is proposed. As a result, the use and density conforms to the City's General Plan, however, as previously discussed, the design of the project does not comply with several requirements of the Zoning Code, necessitating the variance and administrative adjustment request.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Deny the project as recommended by staff;
2. Approve the project with the appropriate variance findings and recommended conditions of approval.

If the application is denied, the residence cannot be built as proposed. The applicant could not submit substantially the same type of project for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction.

CONCLUSION

It is staff's opinion that there are not adequate findings to justify approval of the variances and the administrative adjustment due to special circumstances related to the property or the deprivation of privileges enjoyed by other property owners in the vicinity. As a result, the other entitlements related to the project also cannot be supported. Therefore, staff recommends denial of the entire project.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Map Showing Existing 2-Story Structures
 Zoning Map/Location Map
 Plans

cc: Deputy City Manager - Dev. Svs. Director
 Deputy City Attorney
 Assistant City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Bert W. Tarayao, AIA
89 Pelican Court
Newport Beach, CA 92660

Daniel and Jani Judge
220 E. 19th Street
Costa Mesa, CA 92627

File: 041408PA0803	Date: 040308	Time: 9:00 a.m.
--------------------	--------------	-----------------

TRAYAO

trayao architects a.i.a.

January 21, 2008

Judge Residence Remodel & Addition
231 Flower Street
Costa Mesa, CA

The proposed Judge remodel and addition will be built on a 10,116 sq ft lot in the two hundred block of Flower Street. There are 21 homes on the street, 8 of which are two stories. The Judge home will extend that number to 9 two-story homes.

We are asking for consideration and approval of the following items:

Minor Conditional Use Permit

1. An 843 sq ft garage in lieu of the maximum 700 sq ft as stipulated in the off-street parking standards. Approval of this request will allow the required (3) parking spaces to be enclosed.

Administrative Adjustment

2. Approval for the side open stairway to be built on the location of the existing garage side setback of three feet.

Minor Design Review

3. The Residential Guidelines require an average second-story side setback of ten feet. We have an average of 7'-8" on the east property line. The home on the adjacent property is a single story building. A portion of one bedroom window (Bedroom 2) overlooks the neighbor's window. The distance between these two windows is 9'-10". There is an existing 6' wood fence that will remain. A second bedroom window (Bedroom 1) overlooks the neighbor's sliding door. The distance between these is 34'-6". There is an existing 8' wood fence that will remain. The west average second-story side setback is 31'-7"

The first floor average setback at the east property line is 9'-2".

2nd to 1st Floor ratio exceeds 80% by 3%. (2811.28 s.f. vs. 2901.31 s.f.)

Variance

4. A maximum roof height of 29'-10" in a portion of the second story in lieu of the 27' maximum height stipulated in the zoning ordinance. The length of this portion of the roof is 35'-1".

There are several roof planes in the design that articulate the massing of the home to meet the City's desire to promote design excellence through scale and character. The lowest roof is 13'-6". The average height of the aggregate roof is 25'-5".

In comparing the impact of massing regulations on a given property, one must understand the characteristics of the lot (size, topography, view, etc.) and the potential outcome that a building's design can have on the neighboring properties.

It is apparent that the initial zoning regulations within this neighborhood were based upon a series of relatively similar sized lots reflective of a given density,

created to aid in controlling development and the impact on the quality of life ultimately imposed upon one another, not to mention the surrounding community as a whole.

On occasion, lots are split and joined with adjacent lots, resulting in 1 ½ wide lots which provide a variable to the original land use initially not considered in the local zoning regulations. This circumstance adds a pleasurable breakup to the repetitive lot widths within a uniformly subdivided streetscape, while coincidentally aiding the community by reducing the neighborhood density.

With the wider lots regulated by ordinances made in consideration of thinner ones, the guidelines pertaining to avoiding infringement on the neighboring lots is sometimes detrimental to quality design.

One can see (EXHIBIT B Sheet A4.2) that a smaller lot can produce an encumbering design as the limitations approach the maximums. On the other hand (EXHIBIT A Sheet A4.1), the wider lot can house a larger product with less infringement on the neighboring properties when conscientiously designed. Unfortunately, as seen in the second design, the resulting height limitations are exceeded due to the need to cover the larger building footprint.

The project could be redesigned with smaller roof spans utilizing central courtyard and/or multiple wing configurations (necessary to maintain the same allowable building area), but the resulting building masses and subsequent longer predominant ridge lines would naturally move outward toward the perimeter boundaries of the lot, much like the roof formations that occur on the thinner lots (EXHIBIT B Sheet A4.2), thus with an increasing negative impact on the neighboring properties.

Understanding that the current regulations acknowledge the effectiveness of a stepping back of elements such as second floors along side yard setbacks, where it is most detrimental to the impact on a neighboring lot, it should be appreciated that the proposed design promotes a diminishing roofline. Not only has the design respected this philosophy along the sides, the same is reflected at the front and rear yards as well.

With relatively minimal impact even to the most distant properties (as the surrounding neighborhood is virtually level, and therefore irrelevant to any potential issues of view obstruction) and any effect on the nearby surrounding lots being nil (as described above), it is evident that the only owner affected by the height limitation would be our client and that their desire for quality of life is solely within the spirit of the design guidelines and truly addresses the concerns of building mass and the consideration of others.

With the exception of the four requested items above we meet or exceed the requirements of the Zoning Code and the Residential Guidelines.

After reviewing our design we believe one can conclude that the proposed design meets the spirit of the design guidelines through thoughtful articulation, massing, appropriate building materials, finishes and detailing.

PUBLIC COMMENTS

Dear Planning Commission,

We live at 234 Flower Street and just received your Official City Notice regarding Planning Application PA-08-03, for variances in construction of a two story single family residence for Daniel and Jani Judge at 231 Flower Street.

Regarding the building height variance for an increase from 27 feet to 29 foot 10 inches, we have no problem with that. The Judges stopped by and showed us their plans and we feel it will be an asset to the neighborhood.

But regarding the proposed administrative adjustment for a reduced side setback for the first floor from 5 feet to 3 feet, we do have a problem with that. We feel for our neighbors who live at 233 Flower Street. This variance will have an adverse impact their property and will block much of the afternoon sunlight from their front yard where they spend much of their time.

We are also opposed to the second floor minimum setback deviation from 10 feet to 7 foot 8 inches, as it will also impose on their space.

We are not opposed to the 82% second to first floor ratio deviation. Nor are we opposed to the conditional use permit for the 843 sq. ft. garage.

Thank you sincerely,
Doug and Shannon Holgate
234 Flower Street
Costa Mesa, Ca. 92627
949 631-4311
April 2, 2008



RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

APR - 9 2008

Mel



Design Studio of Michael McKay
Landscape Architects, Planners and Consultants

VII.2
RECEIVED PA-08-03
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

APR 17 2008

April 17, 2008

Mr. Mel Lee
Senior Planner
City of Costa Mesa

Regarding: Planning Application PA-08-03
231 Flower Street, Costa Mesa

Mr. Lee and Planning Commission,

The purpose of this letter and the attached signatures of twenty four residents and legal voters, is to state our objections to this planning application, clearly and emphatically, to the Planning Department, the Planning Commission, and the City Council.

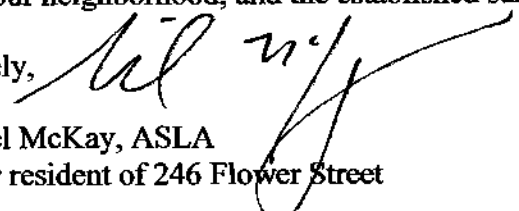
We are very concerned about the overbuilding of the lots on the Eastside of Costa Mesa. The guidelines and codes are quite clear, and provide an acceptable, reasonable, and approved baseline to design within, protecting life safety issues with five foot side-yard setbacks and ten foot average side setbacks; height limitations of roofs and chimneys to respect the existing character, scale and proportion of the neighborhoods, limiting second story coverage to minimize the massive appearance of two story structures and minimize negative solar and privacy issues on adjacent homes, and keeping the garage structure within the defined square footage rather than exceeding once again with another massive structure on the lot.

We request the Planning Department, Planning Commission, and City Council to deny approval for all requested items, and insist that the applicant design within the approved standards, and within context and scale of the neighborhood. Especially with the understanding that this is an oversize lot, and the negative impacts will be that much greater.

We need to be firm about the standards and codes, to protect the character and quality of our neighborhoods for the future, and not allow the standards and codes to be slowly diminished by various applicants applying for deviations and variances.

We are gathering more signatures and a number of us will be in attendance at the continued Planning Commission action on April 28 to protest this application, and stand up for our neighborhood, and the established standards and guidelines.

Sincerely,


Michael McKay, ASLA
29 year resident of 246 Flower Street

246 Flower Street – Costa Mesa, California 92627
Tel. 949.378.3238 – mmckaydesign@aol.com

April 8, 2008

Costa Mesa Planning Commission
City Hall, 77 Fair Drive
Costa Mesa, California

Re: Planning Application PA-08-03 for 231 Flower Street
Objection to all variances and deviations being requested

Attention Costa Mesa Planning Commission:

We the undersigned residents of Costa Mesa, hereby memorialize our protest and **objection** to the variances and deviations being applied for by Planning Application PA-08-03, established by the City of Costa Mesa to control the overbuilding of our neighborhoods, and protect the quality of our community.

We hereby object to the following variance items as noted on the public notice sent out 3/28/08:

1. **Object** to the granting of a variance of height requirements from the permitted 27 feet to the requested variance of 29 feet and 10 inches.
2. **Object** to the granting of a variance of side setback for the first floor from 5 feet required to 3 feet proposed.
3. **Object** to expand the garage area from the 700 square feet allowed to 843 square feet requested.
4. **Object** to deviating from the recommended 80% second to first floor ratio to an expanded 82% second to first floor ratio.
5. **Object** to reducing the 10 foot average side setback from 10 feet the proposed 7 foot 8 inch proposed.

We the undersigned recommend the Planning Commission **reject the requested variances** on behalf of the existing residents of the area and recommend that the Planning Applicant design within the established guidelines of Costa Mesa, and respect our neighborhood of Flower Street and the Eastside for the charm and character that makes it a desirable and special place to live.

We the undersigned are **hereby registering our objection to the Planning Application PA-08-03** and the aforementioned variance items 1 through 5 as noted above:

1. Paul & Kathi Hill 251 Flower ST C.M.
2. Rod & Leslie Opp 242 Flower CM
3. Randy & Debbie Yanaga 255 E. 19th St. C.M.
4. Camden Yanaga 255 E 19th St CM
5. Cheryl Kyle 230 Broadway

April 8, 2008

Costa Mesa Planning Commission
City Hall, 77 Fair Drive
Costa Mesa, California

Re: Planning Application PA-08-03 for 231 Flower Street
Objection to all variances and deviations being requested

Attention Costa Mesa Planning Commission:

We the undersigned residents of Costa Mesa, hereby memorialize our protest and **objection** to the variances and deviations being applied for by Planning Application PA-08-03, established by the City of Costa Mesa to control the overbuilding of our neighborhoods, and protect the quality of our community.

We hereby object to the following variance items as noted on the public notice sent out 3/28/08:

1. **Object** to the granting of a variance of height requirements from the permitted 27 feet to the requested variance of 29 feet and 10 inches.
2. **Object** to the granting of a variance of side setback for the first floor from 5 feet required to 3 feet proposed.
3. **Object** to expand the garage area from the 700 square feet allowed to 843 square feet requested.
4. **Object** to deviating from the recommended 80% second to first floor ratio to an expanded 82% second to first floor ratio.
5. **Object** to reducing the 10 foot average side setback from 10 feet the proposed 7 foot 8 inch proposed.

We the undersigned recommend the Planning Commission **reject the requested variances** on behalf of the existing residents of the area and recommend that the Planning Applicant design within the established guidelines of Costa Mesa, and respect our neighborhood of Flower Street and the Eastside for the charm and character that makes it a desirable and special place to live.

We the undersigned are **hereby registering our objection to the Planning Application PA-08-03** and the aforementioned variance items 1 through 5 as noted above:

1. Michael McKay 246 Flower Street
2. Denise McKay 246 Flower Street
3. Jim Miller 245 E. 19TH STREET
4. Cindi Miller 245 E. 19th Street
5. Melinda Prunty 249 Flower St.

April 8, 2008

Costa Mesa Planning Commission
City Hall, 77 Fair Drive
Costa Mesa, California

Re: Planning Application PA-08-03 for 231 Flower Street
Objection to all variances and deviations being requested

Attention Costa Mesa Planning Commission:



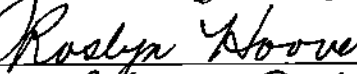
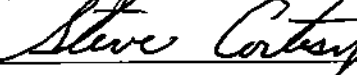
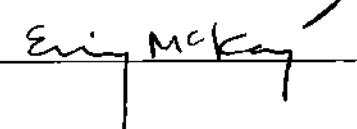
We the undersigned residents of Costa Mesa, hereby memorialize our protest and **objection** to the variances and deviations being applied for by Planning Application PA-08-03, established by the City of Costa Mesa to control the overbuilding of our neighborhoods, and protect the quality of our community.

We hereby object to the following variance items as noted on the public notice sent out 3/28/08:

1. **Object** to the granting of a variance of height requirements from the permitted 27 feet to the requested variance of 29 feet and 10 inches.
2. **Object** to the granting of a variance of side setback for the first floor from 5 feet required to 3 feet proposed.
3. **Object** to expand the garage area from the 700 square feet allowed to 843 square feet requested.
4. **Object** to deviating from the recommended 80% second to first floor ratio to an expanded 82% second to first floor ratio.
5. **Object** to reducing the 10 foot average side setback from 10 feet the proposed 7 foot 8 inch proposed.

We the undersigned recommend the Planning Commission **reject the requested variances** on behalf of the existing residents of the area and recommend that the Planning Applicant design within the established guidelines of Costa Mesa, and respect our neighborhood of Flower Street and the Eastside for the charm and character that makes it a desirable and special place to live.

We the undersigned are **hereby registering our objection to the Planning Application PA-08-03** and the aforementioned variance items 1 through 5 as noted above:

1. 
2. 
3. 
4.  250 Broadway Costa Mesa, CA 92627
5.  246 Flower Street, Costa Mesa, CA 92627

April 8, 2008

Costa Mesa Planning Commission
City Hall, 77 Fair Drive
Costa Mesa, California

Re: Planning Application PA-08-03 for 231 Flower Street
Objection to all variances and deviations being requested

Attention Costa Mesa Planning Commission:

We the undersigned residents of Costa Mesa, hereby memorialize our protest and **objection** to the variances and deviations being applied for by Planning Application PA-08-03, established by the City of Costa Mesa to control the overbuilding of our neighborhoods, and protect the quality of our community.

We hereby object to the following variance items as noted on the public notice sent out 3/28/08:

1. **Object** to the granting of a variance of height requirements from the permitted 27 feet to the requested variance of 29 feet and 10 inches.
2. **Object** to the granting of a variance of side setback for the first floor from 5 feet required to 3 feet proposed.
3. **Object** to expand the garage area from the 700 square feet allowed to 843 square feet requested.
4. **Object** to deviating from the recommended 80% second to first floor ratio to an expanded 82% second to first floor ratio.
5. **Object** to reducing the 10 foot average side setback from 10 feet the proposed 7 foot 8 inch proposed.

We the undersigned recommend the Planning Commission **reject the requested variances** on behalf of the existing residents of the area and recommend that the Planning Applicant design within the established guidelines of Costa Mesa, and respect our neighborhood of Flower Street and the Eastside for the charm and character that makes it a desirable and special place to live.

We the undersigned are **hereby registering our objection to the Planning Application PA-08-03** and the aforementioned variance items 1 through 5 as noted above:

1. Claire McKay 246 Flower St., Costa Mesa, CA 92627
2. Sydney Mayland 250 Broadway CM CA 92627
3. Dorel Eulogener 251 E 19th C.M., CA 92627
4. Merisime Eulogener 251 E. 19th CM, CA 92627

April 8, 2008

Costa Mesa Planning Commission
City Hall, 77 Fair Drive
Costa Mesa, California

Re: Planning Application PA-08-03 for 231 Flower Street
Objection to all variances and deviations being requested

Attention Costa Mesa Planning Commission:

We the undersigned residents of Costa Mesa, hereby memorialize our protest and **objection** to the variances and deviations being applied for by Planning Application PA-08-03, established by the City of Costa Mesa to control the overbuilding of our neighborhoods, and protect the quality of our community.

We hereby object to the following variance items as noted on the public notice sent out 3/28/08:

1. **Object** to the granting of a variance of height requirements from the permitted 27 feet to the requested variance of 29 feet and 10 inches.
2. **Object** to the granting of a variance of side setback for the first floor from 5 feet required to 3 feet proposed.
3. **Object** to expand the garage area from the 700 square feet allowed to 843 square feet requested.
4. **Object** to deviating from the recommended 80% second to first floor ratio to an expanded 82% second to first floor ratio.
5. **Object** to reducing the 10 foot average side setback from 10 feet the proposed 7 foot 8 inch proposed.

We the undersigned recommend the Planning Commission **reject the requested variances** on behalf of the existing residents of the area and recommend that the Planning Applicant design within the established guidelines of Costa Mesa, and respect our neighborhood of Flower Street and the Eastside for the charm and character that makes it a desirable and special place to live.

We the undersigned are **hereby registering our objection to the Planning Application PA-08-03** and the aforementioned variance items 1 through 5 as noted above:

1. Bob 233 Flower St.
2. Kennedy 133 Flower St.
3. _____
4. _____
5. _____



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**